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8 Attorneys for Plaintiff ERIC GILBERT

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 ERIC GILBERT; on behalf of himself, all
12 others similarly situated,

13 Plaintiff,

14 v.
15

16 WELLS FARGO BANK, N.A. and DOES
17 1-50, inclusive,

18 Defendant.
19

Case No.: 2:11-cv-01841-JCM-PAL

STIPULATION OF DISMISSAL

20 Plaintiff Eric Gilbert (“Plaintiff” or “Gilbert”), by and through his counsel of record,
21 and Defendant Wells Fargo Bank N.A. (“Defendant”), by and through its counsel of record
22 (collectively referred to as the “Parties”), hereby stipulate as follows:

23 WHEREAS Plaintiff filed his class and collective action complaint for unpaid
24 overtime on June 10, 2011 (“Action”);

25 WHEREAS this Action was conditionally certified as a collective action under the
26 Fair Labor Standards Act (“FLSA”) on August 9, 2012, and notices of the action were sent
27 out to other similarly situated pursuant to this Court’s Order (Doc. 48);

28 WHEREAS this Action was never certified as a class action;

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1 WHEREAS only four (4) other similarly situated individuals opted into the Action
 2 besides Gilbert;

3 WHEREAS the Parties have agreed to resolve the Action as to all opt-in plaintiffs
 4 who have decided not to withdraw their consent to sue;¹

5 WHEREAS the payments under the settlement are based (1) on length of service
 6 during the 2-year statute of limitations from the date the plaintiff filed his or her consent to
 7 sue and (2) the amount of weekly overtime alleged to have been worked over that time
 8 period;

9 WHEREAS the payments under the settlement are as follows:

- 10 1. Gilbert will receive \$22,500 under the settlement. Out of the \$22,500 gross
 11 amount, \$15,000 represents an enhancement payment for asserting the Action
 12 as the named-Plaintiff and \$7,500 represents the wage payment. In
 13 consideration his settlement amount, Gilbert signed a general release of
 14 claims against Defendant.
- 15 2. Tim Brines will receive \$3,250 under the settlement. Mr. Brines only released
 16 claims alleged in the Action relating to unpaid overtime and his exempt status.
- 17 3. Phillip Ostlie will receive \$1,750 under the settlement. Mr. Ostlie only
 18 released claims alleged in the Action relating to unpaid overtime and his
 19 exempt status.
- 20 4. Tammy Jelinek will receive \$500 under the settlement. Ms. Jelinek's claims
 21 fell outside the two-year statute of limitations. Ms. Jelinek only released
 22 claims alleged in the Action relating to unpaid overtime and her exempt status.
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¹ Opt-in plaintiff Wayne Jeu has withdrawn his consent to sue in this Action.

1 WHEREAS the settlement further provides for a payment of attorneys fees and costs
2 to the Thierman Law Firm in the amount of \$27,000;

3 WHEREAS Gilbert and each individual opt-in plaintiff has separately signed and
4 assented to the settlement;

5 THEREFORE, the Parties hereby stipulate that the settlement represents a fair and
6 reasonable resolution of a bona fide dispute and that this Action be dismissed with prejudice
7 with each party bearing its own costs and attorneys fees.
8

9 DATED: February 20, 2013

Respectfully Submitted,

THIERMAN LAW FIRM

/s/Joshua D. Buck

Joshua Buck

Attorney for Plaintiff

15 DATED: February 20, 2013

Respectfully Submitted,

SHEPPARD MULLIN RICHTER &
HAMPTON LLP

/s/Thomas R. Kaufman

Thomas R. Kaufman

Attorney for Defendant

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DISTRICT OF NEVADA

ERIC GILBERT; on behalf of himself, all
others similarly situated,

Plaintiff,

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WELLS FARGO BANK, N.A. and DOES
1-50, inclusive,

Defendant.

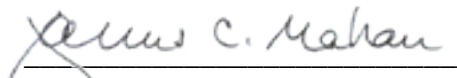
Case No.: 2:11-cv-01841-JCM-PAL

ORDER

The Court hereby GRANTS the Parties stipulation of dismissal. This action is hereby dismissed with prejudice with each party bearing its own costs and attorneys fees.

IT IS SO ORDERED

DATED: March 19, 2013.


U.S. DISTRICT COURT JUDGE
JAMES C. MAHAN